

Right of First Refusal (ROFR).

Legal Right to Repurchase Properties sold through the Right to Buy Scheme.

Facts

1. Why do I have to offer my property to the council?

All properties, (freehold & leasehold), sold under the Right to Buy (RTB) legislation since 18th January 2005 requires the owner by law to initially offer the property back to the Council if they are wanting to sell or let within the 10yrs of the original purchase date.

A transfer of lease for the property cannot be registered with HM Land Registry unless the Council provides a certificate that the above mentioned covenant has been complied with or that the transfer/lease is exempted.

The covenant expires 10yrs after the purchase date and the owner is then free to sell on thereafter.

2. Does the Council have to buy my property back?

No. The covenant has been put in place to give the Council the opportunity to buy back a property which may be of strategic importance, for reasons, (but not limited to), listed below:

- Housing need and demand
- Capital funds available

3. What do I need to do if I want to sell my property within the first 10yrs of purchase?

You should contact the Right to Buy Team (RtBT), housing@rtb@hullcc.gov.uk, or by letter, address details below (please note enquiries sent by post may take longer to be processed).

4. What is the process and timeline once I have submitted my ROFR form?

On the date we receive your completed application the Council has a set timeline in which to process the form as follows.

- **5 working days** from receipt to acknowledge your application
- **8 weeks** from the acknowledgement date to decline, accept or offer to a nominated Registered Social Landlord (RSL), (n.b. the clock stops at this point if the District Valuer is required in the event of a dispute over the offer price*).
- After the expiry of the **8 weeks** if there has been no offer, you are permitted to sell on the open market and the ROFR covenant is waived for a period of **12**

months. If you do not then sell the property within the **12 months** of that date, the covenant is re-instated and you will need to reapply as above until the full 10yrs expires.

The RtBT will process your application within 5 working days of receipt and inform you of when the 8 weeks for a decision will start and the date when the Council will need to respond to you by.

5. What is the next step after I've received acknowledgement that the Council wants to purchase my property?

The RtBT will arrange a convenient appointment with you to visit your home and conduct an initial inspection of the property. This is to establish such things as if any major alterations have been done and to confirm that there will be no one left occupying when it is sold (the Council will not consider any 'sitting tenants' as part of a purchase). This may then lead to arranging a council surveyor and valuer to visit so we can then assess the viability of re purchasing the property and to get a market value in comparison to the one you have supplied in your application.

*If you or the Council cannot agree on a price, the decision will be sent to the District Valuer (free of charge) for an outcome, and this will prove as the final offer (i.e. no further route to appeal). The ROFR timeline 'clock' stops at this point until the outcome is received by both involved parties.

When the decision to accept the offer is made we will send you an 'Acceptance Notice' either accepting the offer ourselves or by nominating an RSL to accept the offer. The 'Acceptance notice' does not give any legal requirement for the Council or RSL to purchase the property until a binding contract is entered into.

When the Council accepts the offer our Legal Property Service will be instructed to progress the purchase of the property, you will need to instruct a solicitor to complete the sale on your behalf. If a Registered Social Landlord has expressed an interest in accepting your offer they will communicate with you directly regarding the sale.

6. What is the next step after I've received acknowledgement that the Council/RSL does not want to purchase my property?

If the decision is to reject your offer we will send you a 'Rejection notice' which must be served within 8 weeks of receipt of your offer. After receipt of a 'Rejection notice' as the owner you may dispose of (sell) the property in accordance with the regulations (please seek legal advice). If the property is not disposed of within 12 months of the date of the rejection notice the owner is required to offer the property back to the Council in accordance with the regulations.

6. Can I appeal?

The Council is **not** required to purchase any property that is offered back therefore if the decision is not to purchase the property there is no right to appeal. However, if you feel that we have not applied the policy correctly or followed the correct

procedure you may write to/contact us within 28 days of receiving the decision notice and your enquiry will be dealt with under the Council's complaint procedure.

7. All this seems very complicated and to take a long time. Is there no easier way?

In brief, no. The Housing Act 2004 and Right to Buy legislation legally allows the Council to decide on buying back your property within the 10yr covenant and regulates how it responds to such offers.

The Council has 8 weeks in which to respond.

We will endeavour to make decisions as quickly as possible within the timescales set out in the legislation.

Right to Buy Team
Warehouse 9
Guildhall Road
Hull
Hu1 1HJ

If you are ever at risk of losing your home please contact the Council's housing options team and/or go to [hlpas-leaflet.pdf \(publishing.service.gov.uk\)](#)

OFFICIAL

If you would like this document in your language please tick the box and send it in an envelope to:

- Polish Jeżeli chciałbyś otrzymać ten list w swoim języku, to proszę odhaczyć ramkę i wysłać w kopercie na adres:
- Arabic إذا رغبت الحصول على نسخة من هذه الرسالة مترجمة الى لغتك, من فضلك ضع إشارة في المربع و ضعها في ظرف و ارسلها الى العنوان التالي:
- Kurdish ئەگەر تەم نامەيەت دەوێت بە زمانی خوێت تکایە نیشانیە لە چوارچۆیهکە بە دە و لە زەرڤیکی نامەدا بێنێرە بۆ:
- Russian Если Вы желаете получить это письмо на родном языке, пожалуйста отметите с крестиком в клетке, положите в конверт и посылайте по адресу:
- Mandarin 如果您想要一份是用您的母语写成的这封信, 请在空格内打钩, 并把这张纸装入信封 (免贴邮票) 寄到下列地址:
- Farsi اگر این نامه را به زبان خودتان میخواهید، لطفاً مربع مربوطه را علامت زده و آنرا داخل یک پاکت نامه گذاشته و به آدرس پستی رایگان زیر پست کنید:
- Turkish Bu mektubu kendi dilinizde isterseniz, lütfen kutuyu işaretleyip zarfın içinde adrese gönderiniz.
- Bengali আপনি যদি এই চিঠি নিজের মাতৃভাষায় পেতে ইচ্ছুক হ'ন তাহলে দয়া করে বক্সে টিক করার পরে খামে ভরে এই ঠিকানায় পাঠান:-
- French Si vous voulez recevoir cette lettre dans votre langue, veuillez cocher la case et envoyer la lettre dans une enveloppe à l'adresse :
- Portuguese Se desejar receber esta carta na sua língua, agradecemos que marque com um tique no quadrado, e a devolva num envelope para a direcção seguinte:

